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April 24, 2008

Hon. William H. Alsup  
United States District Court  
Northern District of California  
450 Golden Gate Ave.  
Courtroom 9, 19th Floor  
San Francisco, CA 94102

Re: Coyness L. Ennix, Jr. v. Alta Bates Summit Medical Center  
USDC Case No. C 07-2486 WHA

Dear Judge Alsup:

Under Local Rule 7-3(d), Defendant asks the Court to approve submission of this letter to address a factual question raised by the Court in today's hearing. Specifically, the Court asked why the numbers on page 70 of 70 of the Declaration of Lamont D. Paxton do not add up. Looking at the document as a whole (i.e., pages 67 through 70 of the Paxton Declaration), there are 4 categories of surgeries: (1) CE (Coyness Ennix), (2) ACB Only, (3) Isolated Valve, and (4) ACB + Valve. The same categories exist for the non-CE and non-Kaiser MD's. Pages 68 through 69 show these same categories of surgeries by year from 1/1/1999 through 4/30/05. Page 70 shows the totals of those years. As stated on page 67, this data was submitted by Dr. Ennix.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Maureen E. McClain'.

MAUREEN E. McCLAIN

MEM/ric

cc: G. Scott Emblidge, Esq.  
Andrew Sweet, Esq.  
Rachel Sater, Esq.